

1651

Attorney Docket # 3029-74

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yasuhiro SAKAI et al.

Serial No.: 10/005,753

Filed: October 29, 2001

For: Method of Staining, and Detecting and Counting  
Bacteria, and a Diluent for Bacterial StainExaminer: F. C. Prats  
Group Art: 1651

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Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 13, 2004  
(Date of Deposit)

Kent H. Cheng

Name of applicant, assignee or Registered Representative

Signature

April 13, 2004  
Date of Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT

SIR:

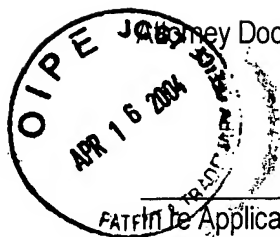
Responsive to the April 2, 2004 Advisory Action, attached is a revised Information Disclosure Statement. There is no additional fee due for this resubmission. However, if any fees or charges are deemed required at this time in connection with the application, the same may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

By:

Kent H. Cheng, Reg. No. 33,849  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: April 13, 2004



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*Kent H. Cheng*

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**INFORMATION DISCLOSURE STATEMENT**

SIR:

In compliance with the duty of disclosure under 37 C.F.R. §1.56 and in accordance with the practice under 37 C.F.R. §§1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO 1449. Copies of the listed documents are also enclosed.

This information is being submitted after issuance of a Final Office Action on the merits, or after issuance of a Notice of Allowance, but before payment of the Issue Fee.

**STATEMENT**

Each item of information contained in the Information Disclosure Statement was first cited in a communication received from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

In accordance with 37 C.F.R §§1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56(b), or that any cited document listed or

attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserve(s) the right to prove that the date of publication is in fact different.

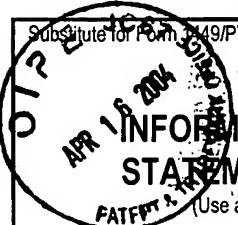
It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08a be returned indicating that such information has been considered.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

By:   
Kent H. Cheng, Reg. No. 33,849  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: April 13, 2004

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Substitute for Form 249/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		<b>Complete if Known</b>	
Application Number		10/005,753	
Filing Date		October 29, 2001	
First Named Inventor		Yasuhiro SAKAI	
Art Unit		1651	
Examiner Name		F. C. Prats	
Attorney Docket Number		3029-74	
Sheet	1	of	2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind-Code <sup>2</sup> (if known)			
		US-5,773,592	6/30/98	R. L. Mills	
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind-Code <sup>5</sup> (if known)				
X		GB 826,066	12/23/1959	Miles Laboratories, Inc.		
X		EP 0 882 983 A	12/9/1998	TOA Medical Electronics		
X		EP 1136563 A2	9/26/01	Sysmex Corp.		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

2

**Complete if Known**

Application Number	10/005,753
Filing Date	October 29, 2001
First Named Inventor	Yasuhiro SAKAI
Art Unit	1651
Examiner Name	F. C. Prats
Attorney Docket Number	3029-74

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
X		Derwent Publications Ltd., "New Methine Dyes are Capable of Being Effectively Excited with Economical Helium-Neon Laser Light Source with Resultant Stronger Fluorescent Intesity", JP 2000 273330A, (Fuji Photo Film Co. Ltd.), 3 October 2000 Abstract.	
X		G. P. JAMES et al., "Urinary Nitrite and Urinary-Tract Infection", Am J. Clinical Pathol, Vol. 70, 1978, Pages 671-678.	
X		Y. NAKAGAWA, et al., "Characteristic Bleaching Profiles of Cyanine Dyes Depending on Active Oxygen Species in the Controlled Fenton Reaction", Biological and Pharmaceutical Bulletin, Vol. 16, No. 11, 1993, Pgs. 1061-1064.	
X		H. OKADA, et al., "Detection of Significant Bacteriuria by Automated Urinalysis Using Flow Cytometry", Journal of Clinical Microbiology, Vol. 38, No. 8, August 2000, Pgs. 2870-2872.	
X		S. SMITH et al., "Detection of Urinary Tract Infections by Reduction of Nitroblue Tetrazolium: Technical Note", Kidney International, Vol. 54. No. 4, October 1998, Pages 1331-1336.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* Applicant's unique citation designation number (optional). \* See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. \* Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \* For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \* Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. \* Applicant is to place a check mark here if English language Translation is attached.

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